

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**Post-Distribution Accounting Form**

For guidance and instruction, please see

<https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>

Case Number (YY-xx-#####)	22-cv-02090
Case Name	Hardy v. Embark Technology, Inc. f/k/a Northern Genesis Acquisition Corp. II et al.
Attorney Name	Brenda Szydlo
Nature of Action	Securities Class Action
Attorney Email	bszydlo@pomlaw.com
Party Represented	Lead Plaintiff Tyler Hardy, Plaintiff Danny Rochefort, and the Settlement Class
This is:	<input checked="" type="radio"/> A final post-distribution accounting. All settlement funds have been distributed.

1. Total settlement fund	\$2,500,000		
2. Number of class members	Total class size unknown; 12,402 Notice Packets sent		
3. Number of class members to whom notice was sent and not returned as undeliverable	12,332		
4. Number of claim forms submitted	1,501	N/A	<input type="checkbox"/>
5. Percentage of claim forms submitted [=Q4/Q3]	12.17%	N/A	<input type="checkbox"/>
6. Number of opt-outs	3		
7. Percentage of opt-outs [=Q6/Q3]	0.02%		
8. Number of objections	1		
9. Percentage of objections [=Q8/Q3]	0.008%		
10. Average recovery per claimant	\$4,565.06		
11. Median recovery per claimant	\$41.06		
12. Maximum recovery per claimant	\$849,202.15		

13. Minimum recovery per claimant					\$10.10			
14. Methods of notice to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.								
<input checked="" type="checkbox"/>	21.7%	Mail	<input checked="" type="checkbox"/>	78.3%	Email	<input type="checkbox"/>	0.00% Text	
<input type="checkbox"/>	0.00%	Advertisement	<input type="checkbox"/>	0.00%	Website	<input type="checkbox"/>	0.00% Other	
15. Methods of payment to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.								
<input type="checkbox"/>	0.00%	Direct Deposit	<input type="checkbox"/>	0.00%	Gift Card	<input checked="" type="checkbox"/>	20.6% Paper Check	
<input checked="" type="checkbox"/>	79.4%	Wire	<input type="checkbox"/>	0.00%	Payment App	<input type="checkbox"/>	0.00% Other	
16. Number of checks not cashed					9			
17. Total value of checks not cashed					\$9,584.42			
18. Amount of settlement funds claimed by class member					\$1,716,009.78	N/A	<input type="checkbox"/>	
19. Amount of settlement funds distributed to class members					\$1,725,594.20			
20. Amounts distributed to each cy pres recipient		Name					Amount	
		1.	Bay Area Legal Aid					\$9,584.42
		2.						\$
		3.						\$
		4.						\$
		5.						\$
		6.						\$
		7.						\$
		8.						\$
		9.						\$
10.						\$		
21. Administrative costs					\$104,948.81			
22. Attorneys' fees					\$625,000.00			
23. Attorneys' costs excluding expert costs					\$30,900.52			
24. Expert costs					\$89,556.25			

25. Attorneys' fees in terms of percentage of the settlement fund	25%
26. Plaintiffs' counsel's final lodestar total	\$1,359,589.50
27. Lodestar multiplier [# x.y]	0.459
28. Describe any potential fraud issues encountered, the likely causes, and how they were addressed	
N/A	
29. Number of class members availing themselves of nonmonetary relief	N/A
30. Aggregate value redeemed	N/A

Continued on next page.

31. Where injunctive and or other non-monetary relief has been obtained, discuss the benefit conferred on the class.

N/A

32. Other notes and issues required to be addressed by judge's standing order.

N/A

End of form.